

MINUTES OF THE  
MAG MANAGEMENT COMMITTEE MEETING

October 15, 1997  
MAG Office Building  
Phoenix, Arizona

MEMBERS ATTENDING

Steve Cleveland, Chairman, Goodyear	Tom Martinsen, Paradise Valley
Ruben Duran for Carlos Palma, Avondale	Grady Miller for Terry Ellis, Peoria
*Delbert Self, Buckeye	Frank Fairbanks, Phoenix
*Jon Pearson, Carefree	Cynthia Seelhammer, Queen Creek
Larry Paine, Cave Creek	David Easchief, Salt River Pima-Maricopa
Lloyd Harrell, Chandler	Indian Community
*Rosalinda Herrera, El Mirage	Dick Bowers, Scottsdale
Paul Nordin, Fountain Hills	Mike Branham for Dick McComb, Surprise
Carl Stephani, Gila Bend	Gary Brown, Tempe
*Urban Giff, Gila River Indian Community	Ralph Velez, Tolleson
Martin Vanacour, Glendale	*David Siegel, Wickenburg
Kent Cooper, Gilbert	Lloyce Robinson, Youngtown
*Enrique Serna, Guadalupe	Tom Buick for David Smith, Maricopa County
Robert Musselwhite, Litchfield Park	Larry Bonine, ADOT
Mike Hutchinson for Charles Luster, Mesa	Ken Driggs, RPTA

\*Those members neither present nor represented by proxy.

OTHERS PRESENT

Gerald Abmont, HNA Associates	Patrice Kraus, City of Chandler
Cathy Arthur, MAG	Doug Kukino, Glendale
Lindy Bauer, MAG	Jeff Kulaga, City of Scottsdale
James M. Bourey, MAG	Larry Laudy, Laudy & Associates Inc.
Xavier Brizar, Pioneer Ford	Elsa Lynch, Paradise Valley
Michael Bruder, ADOT	Neal Manske, Phoenix
Barbara Carpenter, MAG	Jeff Martin, Mesa
Peggy Carpenter, City of Scottsdale	Denise McClafferty, MAG
Mike Cartsonis, Litchfield Park	Bruce Nelson, City of Phoenix
Jim Creedon, Landry & Associates	Chris Plumb, MCDOT
Ann Crouch, FHWA	Audrey Skidmore, MAG
Blue Crowley	Dennis Smith, MAG
Chuck Eaton, ADOT	Jana Sorensen, Maricopa County Attorneys Office
John Farry, MAG	Tami Ryau, Town of Gilbert
Susan Harris, City of Glendale	Lisa Takata, City of Phoenix
Don Herp, Phoenix	Gordon Tyus, MAG
Roger Herzog, MAG	Crystal Thompson, Central Arizona Project
Phillip Hubbard, Peoria	Rita Walton, MAG
Jim Huling, City of Tempe	Paul Ward, MAG
Terry Johnson, MAG	Rachel Weiss, City of Glendale
Bryan Jungwirth, RPTA	Harry Wolfe, MAG
Allan Kosecki, MAG	
Carol Kratz, MAG	

1. Call to Order

The meeting was called to order by Chairman Steve Cleveland, Goodyear, at 12:12 p.m. Chairman Cleveland welcomed new City Managers Tom Martinsen of Paradise Valley and Carl Stephani of Gila Bend. Chairman Cleveland also welcomed Larry Bonine from ADOT to the Management Committee meeting.

2. Approval of September 3, 1997 Meeting Minutes

Frank Fairbanks moved, and Lloyd Harrell seconded, and it was unanimously carried to approve the minutes of the September 3, 1997 Management Committee meeting.

Chairman Cleveland announced that there is a new timing system to assist the speaker in the public comment portion of the agenda. He explained that citizens are requested not to exceed a three minute time period for their remarks. The yellow light indicator is a reminder to the speaker that there is one minute left. The red light will come on after three minutes.

3. Call to the Audience

There were no public comments.

4. Executive Director's Report

James Bourey informed the Management Committee that he has been chosen to be the ICMA representative of the 2000 Census Advisory Committee.

Mr. Bourey stated that there has been a schedule change in the Rail Task Force. He said that the November completion date was extended to March.

Mr. Bourey updated the Management Committee on the Partnering Session with ADOT and MAG. The session was held on October 3, 1997. ADOT and MAG agreed that they have a good relationship, however, it can always be improved. There were a number of action items which they will both be working on.

Mr. Bourey stated that the Mayor of Mesa requested that MAG work with ADOT on a study involving High Occupancy Toll Lane throughout the valley.

Mr. Bourey informed the Management Committee that Phoenix has been designated as a Clean City from the U.S. Department of Energy. MAG has developed a Clean City coalition to help in this effort.

Mr. Bourey stated that he is very excited about the MAG web site. He indicated that the web site address needs to be shorter, but the development of the web site is progressing nicely. Mr. Bourey stated that the MAG web site provides links to other city web sites, and the cities and towns that do not have Internet access will be able to use our home page. He noted that the minutes and agendas will be available on the web site also.

Mr. Bourey briefed the Management Committee on the latest in the ISTEA Reauthorization. He indicated that it is an ongoing debate in Congress.

Chairman Cleveland thanked Mr. Bourey for his report.

5. Approval of Consent Agenda

Prior to approval of the consent agenda, Chairman Cleveland asked if any members of the Management Committee wished to have any of the items removed from the consent agenda. No members responded.

Ken Driggs moved, Mike Branham seconded, and it was unanimously carried to recommend approval of items 6A, 6B, 6C, 6D, 7, 8, 9, and 10 on the consent agenda.

6A. Approval of FY 1998-2002 MAG Transportation Improvement Program

The Management Committee recommended, by consent, to approve the FY 1998-2002 MAG Transportation Improvement Program, contingent upon a finding of conformity of the TIP with the applicable state and federal air quality implementation plans. Each year, MAG develops a Transportation Improvement Program (TIP) that list all required transportation related projects in the MAG region for the next five years. In March 1997, the MAG Regional Council approved the Draft FY 1998-2002 TIP for a conformity analysis. The conformity analysis has been performed and a public hearing was held on October 14, 1997. The TIP comprises 984 highway projects, costing \$2.172 billion (\$446 federal) and 158 transit projects costing \$460 million (\$295 million federal).

6B. MAG Long Range Transportation Plan Summary and 1997 Update

The Management Committee recommended, by consent, to approve the MAG Long Range Transportation Plan Summary and 1997 Update, contingent upon a finding of conformity of the Plan and Update with the applicable state and federal air quality implementation plans. The MAG Long Range Transportation Plan (LRTP) Summary and 1997 Update addresses all modes of transportation through the year 2020. To ensure a reasonably feasible and balanced funding plan, the Long Range Plan Update continues to be based on a trend extension of the existing revenue sources. New additions to the 1997 Update include updated freeway priorities and a fixed guide way starter corridor for the MAG region.

6C. Consultation on Regional Emissions Analysis for Proposal to Accelerate the Warner Road to Frye Road Segment of the Price Freeway and the Pima Road to Scottsdale Road Segment of the Pima Freeway

In September 1997, the Regional Council approved advancing the completion of the Warner Road to Frye Road segment of the Price Freeway to December 2000 from December 2001 and the completion of the Pima Road to Scottsdale Road segment of the Pima Freeway to the fourth quarter of 2000 from September 2003. Both of these accelerations were approved contingent upon the air quality conformity analysis being conducted. MAG has conducted, for the Arizona Department of Transportation, a regional emissions analysis for these accelerated segments. As the agency responsible for approving and implementing these projects, ADOT is required to make a conformity finding. In accordance with adopted MAG procedures, documentation regarding the regional emissions analysis is being provided for consultation. The deadline for submitting comments to MAG is October 24, 1997.

6D. Amendment to the FY 1998-2002 MAG Transportation Improvement Program to Accelerate the Country Club to Gilbert Road Segment of the Red Mountain Freeway

The Management Committee recommended, by consent, to approve amending the FY 1998-2002 MAG Transportation Improvement Program to advance the completion of the Red Mountain Freeway from Country Club Road to Gilbert Road from December 2003 to January 2002 contingent upon completion of the required air quality conformity actions. In September, the Regional Council approved advancing the completion of the Country Club to Gilbert Road segment of the Red Mountain Freeway to January 2002 from December 2003. This acceleration was approved contingent upon the air quality conformity analysis being conducted. For this project, an amendment to the FY 1998-2002 MAG Transportation Improvement Program is required. On October 14, 1997, a public hearing on the proposed acceleration was held.

7. Consultant Assistance for PM-10 Five Year Extension Request

It is anticipated that in October, the Regional Council will be requested to approve that the PM-10 Plan include a request for up to a five-year extension of the attainment date for Particulate Matter (PM-10). According to the current PM-10 modeling information, it appears that the committed measures do not result in attainment by the required date (December 31, 2001). Also, it appears that the additional PM-10 measures needed to demonstrate attainment by the federal deadline are not technologically or economically feasible.

In order to make this request, consultant assistance will be required. Critical parts of the study will need to be completed for the upcoming 1998 Legislative session. This project involves demonstrating to the satisfaction of the EPA administrator that the plan for this area includes the most stringent measures that are included in the plan of any State or achieved in practice in any State, and can be feasibly implemented in this area. To meet this accelerated schedule, MAG has initiated a consultant selection process. It is anticipated that a consultant recommendation will be made at the October Regional Council meeting if the Regional Council approves requesting an extension. The discussion of the extension request is being considered later in this agenda under the air quality update item. The amount of the study is expected not to exceed \$200,000. Federal planning funds are available from the FY 1998 Unified Planning Work Program.

8. Approval of Draft July 1, 1997 Maricopa County Resident Population Update

The Management Committee recommended, by consent, to approve the July 1, 1997 Maricopa County Resident Population Update provided that it is within one percent of the Draft Update of 2,720,575. The Arizona Department of Economic Security (DES) has prepared a Draft July 1, 1997 Resident Population Update for the State of Arizona and the counties within Arizona. DES derived a resident population of 4,600,275 for the State of Arizona and 2,720,575 for Maricopa County. For Maricopa County, this represents an increase of 85,950 people in the last year or 3.3 percent. The Resident Population Update was transmitted to members of the MAG Population Technical Advisory Committee (POPTAC) and to an Ad Hoc Subcommittee of the POPTAC. On September 25, 1997, the MAG POPTAC Ad Hoc Subcommittee recommended approval of the July 1, 1997 Maricopa County Resident Population Update. This approval was contingent upon the action by the State POPTAC on October 31, 1997 being within one percent of the initial draft update.

9. Amendment of Planning Technologies Consultant Contract

The Management Committee recommended, by consent, to amend the consultant contract with Planning Technologies for an additional amount of \$10,000 to provide trip generation data and enhance the Sub-Area Allocation Model and to authorize the MAG Executive Director to execute the amendment. In October 1996, the Regional Council selected Planning Technologies Inc. to revise the MAG Sub-Area Allocation Model to reflect the 1995 census and the 1995 employment information. Since that time, new population and employment forecasts have been developed and adopted. Staff is requesting that the contract with Planning Technologies Inc. be increased by an additional amount of \$10,000 to provide trip generation data and enhance the Sub-Area Allocation Model.

10. Selection of MAG Auditor for Fiscal Years 1997 Through 2001

The Management Committee recommended, by consent, to select the firm Deloitte & Touche LLP to serve as the independent certified public accountants to conduct the MAG audit for fiscal years 1997 through 2001 and to authorize the MAG Executive Director to execute the contract for these services. In recent months, MAG has solicited the services of a professional audit firm to conduct the MAG audit. A multi year proposal

was requested, and a Request for Proposals was sent to four national/international accounting firms and two regional firms. Two proposals were received. A review committee was formed, including the Finance Director from the City of Glendale. Following this review, MAG is recommending that the firm Deloitte & Touche LLP be selected to serve as the independent certified public accountants to conduct the MAG audit for fiscal years 1997 through 2001.

#### 11A. FY 1997 MAG Final Phase Input Public Involvement Report

John Farry stated that in September, the final phase of the MAG FY 1997 Public Involvement Process was conducted. He indicated that draft updates of the FY 1997 Long Range Transportation Plan (LRTP), 1998-2002 Transportation Improvement Program (TIP) were approved for conformity analysis in March 1997 by the Regional Council. Mr. Farry noted that the LRTP, the TIP, the Conformity Analysis, and a TIP amendment were made available for a 30-day public comment period. The final phase was held on October 14, 1997. He noted that the meeting was sponsored by MAG, ADOT and RPTA. Mr. Farry stated that the meeting included an informational open house, followed by a public hearing held before representatives from the MAG Transportation Review and Air Quality Policy Committees. The meeting was attended by approximately 50 people. Ten people spoke during the public hearing and ten participants submitted written comments. Mr. Farry noted that this meeting provided an opportunity for review and final comment on the LRTP, TIP and Conformity Analysis.

Mr. Farry indicated that the verbal comments have been recorded in transcript format. He noted that the transcript and response to all comments will be included in the Final Phase Input Opportunity Report and forwarded to the Regional Council as part of the agenda.

Ken Driggs moved, Mike Branham seconded, and it was unanimously carried to recommend acceptance of the FY 1997 Final Phase Input Public Involvement Report.

#### 11B. Draft MAG Conformity Finding

Cathy Arthur stated that the MAG Air Quality Conformity Analysis is required by Federal and State conformity regulations which relate to Section 176(C) of the Clean Air Act. The regulations apply to the portions of the Maricopa County Area which have been designated as a nonattainment area for carbon monoxide, ozone, and PM-10. Ms. Arthur stated that on March 26, 1997, the Regional Council authorized a conformity analysis to be prepared for the FY 1998-2002 MAG Transportation Improvement Program (TIP) as well as the MAG Long Range Transportation Plan (LRTP) Summary and 1997 Update. She noted that the draft findings indicate that the TIP and LRTP meet the federal conformity requirements. Also, an amendment to the FY 1998-2002 TIP advancing completion of the Country Club to Gilbert Road segment of the Red Mountain Freeway from December 2003 to January 2002 was found to meet conformity requirements.

Ms. Arthur stated that to meet conformity requirements, MAG must actually satisfy two different rules: those imposed by the 1991 Federal Implementation Plan (FIP) and those under the 1993 EPA Conformity Final Rule, as revised in August 1997. She noted that under FIP requirements, MAG must conduct an analysis to ensure that implementation of the transportation plan and TIP will not cause or contribute to a violation of the carbon monoxide standard. Ms. Arthur explained that to meet this requirement, MAG conducted emissions and micro scale modeling for the year 2001 and concluded that the MAG 1997 Long Range Plan Update and 1998-2002 TIP will not cause or contribute to a violation of the carbon monoxide standard.

Ms. Arthur stated that the second Federal conformity requirement is established by the EPA Conformity Final Rule. This Rule requires that the MAG 1997 Long Range Plan Update and 1998-2002 TIP pass a single test in order to make a positive conformity finding. To pass this test, projected emissions due to motor vehicles

must be less if the TIP and Long Range Plan are implemented than the emission budgets identified in the applicable air quality plans.

Ms. Arthur stated that the results of the 1997 conformity analysis were presented to the Air Quality Technical Advisory Committee on October 9, 1997 and at a public hearing yesterday. She noted that the only comment received at the public hearing pertinent to air quality conformity was a request to review detailed input data used in the air quality models. The requested input data is already provided in the draft conformity report or references will be provided in the final document. Ms. Arthur indicated that this air quality conformity presentation will also be made to the Air Quality Policy Committee on October 23, 1997.

Ms. Arthur stated that since all Federal conformity requirements are met, the Management Committee is requested to recommend approval of the conformity finding for the TIP, including advancement of the Red Mountain Freeway segment and the Transportation Plan to the Regional Council.

Chairman Cleveland stated that a member of the public requested to speak on this agenda item.

Blue Crowley indicated that the Long Range Transportation Plan does not take care of rubber tire particulates. Mr. Crowley stated that adequate buses cannot be provided, but there is money for other transportation needs. He also indicated that there is not enough reaching out for public involvement.

Lloyd Harrell moved, Robert Musselwhite seconded, and it was unanimously carried to recommend approval of the conformity finding for the MAG Long Range Transportation Plan Summary and 1997 Update, the 1998-2002 MAG Transportation Improvement Program and the proposed amendment to advance the Country Club Drive to Gilbert Road segment of the Red Mountain Freeway from December 2003 to January 2002.

## 12. Air Quality Update

Lindy Bauer stated that in the past several months, the MAG staff has been preparing air quality plans for carbon monoxide and particulate matter (PM-10). The MAG member agencies have been preparing commitments for these plans. Ms. Bauer stated that the deadlines for these plans are approaching and action by the Legislature is being potentially considered. The Serious Area Plan is due by February 28, 1998, and demonstration of attainment by December 31, 2000. Ms. Bauer indicated that according to the current PM-10 modeling information, it appears that the committed particulate measures do not result in attainment by the required date.

Ms. Bauer stated it appears that the hypothetical example additional PM-10 measures needed to demonstrate attainment by the federal deadline are not technologically or economically feasible. Therefore, an extension of the attainment date for up to five years is recommended for inclusion in the PM-10 Plan. Ms. Bauer indicated that the attainment date extension is not a delay tactic, and that the extension requirements would be very challenging to meet for EPA approval. Ms. Bauer then reviewed the requirements for an extension request.

Robert Musselwhite indicated that it needs to be taken into consideration that this is a desert, and we have very little humidity and vegetation.

Ms. Bauer indicated that the air quality standards are designed to protect public health, and that it is a challenge to reach those standards.

Robert Musselwhite stated that his understanding is that EPA feels it is not safe to live in a desert.

Martin Vancacour asked what will make this plan feasible.

Ms. Bauer indicated that there is a high cost associated with attainment by the December 31, 2001 deadline. Funding sources and more time to implement the plan are needed. Ms. Bauer stated that many efforts are already being taken to reduce particulate pollution.

Dick Bowers agreed with Mr. Musselwhite regarding his understanding that EPA feels it is not safe to live in a desert.

Frank Fairbanks stated that we are responsible for improving our quality of life, and pollution does negatively affect people. He agreed that attainment will be difficult. Mr. Fairbanks indicated that we have the responsibility to do the best we can. He encouraged staff to come up with some ideas on what to do and where the money will go.

Martin Vancacour suggested that we lobby together with other nonattainment areas for changes to regulations.

Dick Bowers agreed with Mr. Vancacour about contacting other areas who will not reach attainment and exchange ideas.

Steve Cleveland also agreed with the idea of partnering with other parties in the same situation.

Mr. Bourey indicated that this is not only a question of ability, but of timing. He stated that working with other areas is a great idea which we can pursue, but reminded the Management Committee that we are faced with a very short time frame and need to move forward to meet the deadline.

Chairman Cleveland recognized Mr. Blue Crowley for public comment on this agenda item.

Blue Crowley stated that we do live in a desert. He also agreed with Mr. Fairbanks on improving the quality of life and keeping federal funds. Mr. Crowley indicated that bicycles, bike lanes, and single occupancy vehicles were not addressed in this plan to improve air quality. He stated that people sitting in idling vehicles, not recognizing bus transportation to reduce the number of cars on the road, and landscaping equipment all contribute to poor air quality.

Dick Bowers moved, and Kent Cooper seconded, and it was carried to recommend that the Serious Area PM-10 Plan include a request for up to a five-year extension of the attainment date since it appears that attainment by December 31, 2001 is impracticable and the example additional measures necessary to demonstrate attainment by 2001 are technologically or economically infeasible. Martin Vanacour indicated that he was not voting.

### 13. Approval of Draft Graffiti Model Ordinance and Recommendations

Carol Kratz introduced Jana Sorensen, a deputy County Attorney and Chairman of the Graffiti Working Group. Ms. Sorensen stated that the Graffiti Working Group developed a package of recommendations to fight graffiti at the request of the Youth Policy Advisory Committee. The Graffiti Working Group developed recommendations in five areas — prevention, clearinghouse of information, consequences of enforcement,

partnerships, and a draft model regional ordinance. Ms. Sorensen stated that the model ordinance was forwarded to municipal attorneys for review and comment.

Ms. Sorensen indicated that great process has been made in the last 2 ½ years in battling graffiti. She stated that it is a strong belief of those who know the most about this problem, that should we let up on this fight, we will once again be overcome with graffiti in the valley.

Ms. Sorensen indicated that the purpose and intent of the draft model ordinance is to reduce graffiti vandalism and expedite graffiti removal. She stated that the draft model ordinance explains possession, limiting access and storage and display. The ordinance also covers prohibition and removal, penalties and state law penalties for the act of graffiti.

Ms. Sorensen stated that it is requested that the Management Committee recommend approval of the Draft Graffiti Model Ordinance, and to transmit these recommendations to the Regional Council for their approval and then to the MAG member agencies for their consideration before the 1998 legislative session.

Mike Hutchinson stated that this is a concern in his area, however, he moved that the Management Committee approve four of the Youth Policy Advisory Committee recommendations, and accept the Draft Graffiti Model Ordinance, and to transmit these recommendations to the MAG Regional Council and then to member agencies for their consideration, and Lloyd Harrell seconded.

Frank Fairbanks made a substitute motion to approve the Youth Policy Advisory Committee recommendations, including the Draft Graffiti Model Ordinance, and to transmit these recommendations to the MAG Regional Council and then to member agencies for their consideration, and Paul Nordin seconded.

Chairman Cleveland recognized public comment on this agenda item.

Mr. Larry Landry indicated that he was against the substitute motion. He stated that he supports the responsible retailing program. Mr. Landry stated that not one city in this county can prove that non access can take down graffiti. He noted that city managers need to look at the data. Mr. Landry indicated that if the Management Committee feels that they need more time, then the action can be delayed. Mr. Landry thanked the Management Committee for their time.

Mr. Gerald Abmont indicated that he is a volunteer with the Graffiti Task Force and that the non access ordinance should be adopted. He stated that the ordinance does work, and that it would cost the cities millions of dollars if it was not implemented. He stated that the City of Phoenix implemented its non access ordinance only after the "Responsible Retailing" Program was tried for 12 months and found to be ineffective.

Mr. Xavier Brizar stated that he works for Pioneer Ford which has been actively involved in the graffiti program. He indicated that if anyone needs proof that this program works, look at the City of Mesa. Mr. Brizar stated that he feels Mesa has an excellent paint-out program. Mesa has had a significant decrease in spray paint graffiti. Mr. Brizar noted that today kids like to sniff this aerosol paint, which is another benefit to the non access program. Mr. Brizar thanked the Management Committee for their time.

Mike Hutchinson stated that Mesa does have an excellent program, and suggested that the Management Committee forward this draft ordinance to Regional Council and let each city make their own choice.

Paul Nordin stated that the substitute motion does hinder choices.



Frank Fairbanks agreed with Mr. Nordin that the city councils can decide whether or not to adopt this ordinance. He noted that removing paint from public access would help stop kids from destroying their health.

The Management Committee recommended to approve the Youth Policy Advisory Committee recommendations, including the Draft Graffiti Model Ordinance, and to transmit these recommendations to the MAG Regional Council and then to member agencies for their consideration by a vote of 13 yes, four opposed and one not voting.

Chairman Cleveland asked if there were any questions. There being no questions or further business, the meeting was adjourned at 2:30 p.m.

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Chairman

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Secretary